

## UNITED STATES DISTRICT COURT

for the

Eastern District of North Carolina

FILED IN OPEN COURT  
ON 6/23/2011 CR  
Denise L. Iverson, Clerk  
US District Court  
Eastern District of NC

United States of America )

v. )

William Daniels )

Case No: 5:93-CR-130-7BO

USM No: 14748-056

Date of Previous Judgment: May 23, 1994 )

(Use Date of Last Amended Judgment if Applicable) )

Defendant's Attorney Pro Se

**Order Regarding Motion for Sentence Reduction Pursuant to 18 U.S.C. § 3582(c)(2)**

Upon motion of the \_\_\_\_\_ defendant \_\_\_\_\_ under 18 U.S.C. § 3582(c)(2) for a reduction in the term of imprisonment imposed based on a guideline sentencing range that has subsequently been lowered and made retroactive by the United States Sentencing Commission pursuant to 28 U.S.C. § 994(u), and the court having considered such motion,

**IT IS ORDERED** that the motion is:

☒ DENIED. ☐ GRANTED and the defendant's previously imposed sentence of imprisonment (as reflected in the last judgment issued) of \_\_\_\_\_ months is **reduced to** \_\_\_\_\_ months.

If the amount of time the defendant has already served exceeds this sentence, the sentence is reduced to a "Time Served" sentence, subject to an additional period of up to ten (10) days for administrative purposes of releasing the defendant.

**I. COURT DETERMINATION OF GUIDELINE RANGE** (Prior to Any Departures)

Previous Offense Level: \_\_\_\_\_

Amended Offense Level: \_\_\_\_\_

Criminal History Category: \_\_\_\_\_

Criminal History Category: \_\_\_\_\_

Previous Guideline Range: \_\_\_\_\_ to \_\_\_\_\_ months

Amended Guideline Range: \_\_\_\_\_ to \_\_\_\_\_ months

**II. SENTENCE RELATIVE TO AMENDED GUIDELINE RANGE**

- ☐ The reduced sentence is within the amended guideline range.
- ☐ The previous term of imprisonment imposed was less than the guideline range applicable to the defendant at the time of sentencing as a result of a departure or Rule 35 reduction, and the reduced sentence is comparably less than the amended guideline range.
- ☐ Other (explain) :

### III. ADDITIONAL COMMENTS

While the defendant is eligible for the 2-level reduction based on the application of 28 U.S.C. § 994(u), this reduction does not reduce the guideline range of imprisonment as originally determined by the court. Specifically, the defendant's total offense level would be reduced from 40 to 38. With a criminal history category of VI, the guideline range of imprisonment would remain at 360 months to life. Therefore, the defendant is not eligible for a reduction and the motion is denied.

Except as provided above, all provisions of the judgment dated \_\_\_\_\_ shall remain in effect.

**IT IS SO ORDERED.**

Order Date: 6/23/2011

  
\_\_\_\_\_  
Judge's signature

Effective Date: \_\_\_\_\_  
(if different from order date)

Terrence W. Boyle, U.S. District Judge  
\_\_\_\_\_  
Printed name and title